

REMARKS

This amendment is submitted in an earnest effort to bring this case to issue without delay.

Applicants have canceled claims 64, 65, 70 through 78, and 81 through 90 and added new claims 91 through 109. Antecedent basis for the new claims may be found in the specification (substitute specification) on pages 6 through 22. Thus claims 91 through 109 are now in the application and are presented for examination.

Applicants note the bases listed by the Examiner for the rejection of the claims previously presented as indefinite under 35 USC 112, second paragraph. Applicants have canceled all of those claims and drafted the claims now submitted so as to be responsive to the points raised by the Examiner. It is believed that all claims now presented are in full compliance with the requirements of 35 USC 112, second paragraph.

Applicants note the bases set forth by the Examiner for his rejection of the claims as last presented, with the exception of claim 84. Applicants have now more sharply defined their invention in the claims as now presented and it is believed that all of the claims now presented are supported by a specification that adequately describes the invention and that enables those skilled in the art to practice the invention. Thus all claims now presented are in full compliance with the requirements of 35 USC 112, first paragraph.

Applicants have made a deposit of vector pVWExlpyc according to the requirements of the Budapest Convention. This is the vector as shown in Fig. 2 which contains the polynucleotide having SEQ ID NO:1 and which expresses the polypeptide having SEQ ID NO:2. Applicants are now providing a receipt from the depository in Germany, namely, DSMZ-Deutsche Sammlung Von Mikroorganismen und Zellkulturen GmbH, indicating that a permanent deposit of vector pVWExlpyc has been made on 1 July 1999 with the depository and that the deposit is viable. Applicants note that the deposit was made at the depository in compliance with the Budapest Convention prior to the U.S. filing date of the present application.

The undersigned, an attorney-at-law licensed to practice before the U.S. Patent and Trademark Office, and an attorney-at-law of record in this application, on information and belief, states as follows:

a permanent deposit of vector pVWExlpyc under the requirements of the Budapest Convention has been made on 1 July 1999 at the DSMZ-Deutsche Sammlung Von Mikroorganismen und Zellkulturen GmbH and that the vector will be irrevocably and without restriction or condition released to the public, upon the issuance of a patent.

Favorable action in this case is earnestly solicited. Applicants are enclosing a petition to obtain a one month extension of the term for response as well as authorization to charge the cost of obtaining the one month extension to the account of the undersigned.

Respectfully submitted,
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Enclosures: Receipt of Microorganism, Deposit
and Statement of Viability
Petition for Extension
PTO 2038